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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,417	03/19/2001	Tara Burnhouse	80398.P349	2453
8791	7590	09/29/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			NGUYEN, CAO H	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,417

Applicant(s)

BURNHOUSE ET AL.

Examiner

Cao (Kevin) Nguyen

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>04/08/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler et al. (US Patent No. 5,585,838).

Regarding claims 1, 9, 17 and 23 Lawler discloses a method for indicating future program action on a future program information display comprising: providing future program information for a plurality of future programs [the program schedule information at the head end covers at time period extending about one week into the past and two weeks into the future; see col. 13, lines 1-3], at least one future program being selected by a user [..see block 236, at figure 5A, and col. 14, lines 23-24]; providing on a future program actions menu [136, at figure 8, block 238, at figure 5A, and column 14, lines 23-26]; a plurality of future program actions for the selected future program [such as Order button 138, Remind button 140, Record button 130, at figure 8, and column 14, lines 30-35], at least one future program action being selected by the user [see col. 14, lines 26-29]; each future program action being an action selected to be performed on a future program [see col. 14, lines 35-48]; receiving the selected at least one future program and the selected at least one future program action from the user [see block 240, at figure 5A, and col. 14, lines 26-29]; and displaying the future program information of the selected at least one future program with an indicator such that the indicator indicates the

Art Unit: 2173

selected at least one future program action [see program summary panel 108, at figure 8] with an indicator indicates the selected at least on future program action [with icon that “indicate certain characteristics set by the user” at column 10, lines 34-41].

Regarding claims 2, 10, 18 and 24 Lawler discloses wherein the indicator is an action-descriptive icon [see col. 18, lines 53-67].

Regarding claims 3, 11, 19 and 25 Lawler discloses wherein the future program actions menu comprises features selected from the group consisting of a return feature, allowing user to navigate back to preference menu [the navigation key is pressed, program schedule information from the head end to update the program summary panel; see col. 15, lines 4-14], and a help feature, allowing user to navigate to several dependent help categories, the features being able to be selected by a user [the display panel to help user when viewing program schedule; see col.10, lines 5-15).

Regarding claims 4 and 12, Lawler wherein the selected at least one future program is indicated by highlighting [see focus frame 102, at figure 8, and column 14, lines 23-24].

Regarding claims 5 and 13, Lawler discloses wherein the future program actions menu is displayed in a pop up window on the monitor display screen [a preview window 108, see col. 10, lines 28-29 and figures 3 and 8].

Regarding claims 6, 14, 20 and 26 Lawler discloses wherein the selected at least one future program action includes actions selected from the group consisting of recording the selected at least one future program, notifying the user of the display schedule of the selected at least one future program, and preventing the display of the selected at least one future program [see col. 10, lines 35-41].

Regarding claims 7, 15, 21 and 27 Lawler wherein the start and/or stop times of the selected at least one future program action does not match the start and/or stop times of the selected at least one future program (see col. 13, lines 25-37).

Regarding claim 8, 16, 22 and 28 Lawler discloses wherein the future program actions menu includes a source option such the selected future program action will affect all future programs from a user-specified source (see col. 14, lines 58-67).

Response to Arguments

2. Applicant's arguments filed on 07/13/05 have been fully considered but they are not persuasive.

On page 7, of the Remarks, Applicant argues that Lawler does not teach or suggest "allowing the user to accept or modify the action"; however the limitations as claimed set forth to rely upon "if the focus frame indicates a past program when the action key is pressed, a past program options menu, an example of which is illustrated in FIG. 9, is displayed. The CPU then monitors the user's menu selection and acts accordingly, as indicated in block. In the case of a past program, the menu may allow a user to determine whether the program was recorded by the user or whether a recording of the program is available for ordering from the head end. Again, the menu may also include other options, the CPU monitors to determine if the menu key is pressed by a user. If so, the CPU controls the display of a menu of available options. As discussed above, the options may allow a user to select an alternative program guide such as a category-based program guide or a personalized program guide based upon user preferences and viewing habits. The menu may also allow the selection of various other options and

Art Unit: 2173

services offered by the system. In any case, the CPU monitors the user's menu selection, carries out the related functions and either returns or suspends the program time guide depending on the menu selection, as represented by blocks.” which read on Lawler (see col. 14, lines 49-67).

On page 8 of the Remarks, Applicant argues that Lawler does not teach or suggest “element 102 and 108 not an indicator indicating a future program action”; however, the limitations as claimed set forth to broadly rely upon “Preferably the program identified by the focus frame 102 is the subject of the program summary panel 108. As the focus frame 102 is moved, the program summary panel 108 is updated to provide additional information about the newly identified program. The illustrated program summary panel 108 may include a preview window 110, the full title of the program 112, a description of the program 114, and may also contain one or more informational icons (not shown) which indicate characteristics of the program such as whether the program is closed captioned, whether the program is a rerun and whether the program is in stereo. In addition, user specific icons may be provided to indicate certain characteristics set by the user. For example, an icon can be provided to indicate whether the user has set a reminder for the indicated program or whether the user has requested recording of the indicated program. In alternative embodiments, it may be desirable to display icons for all shows within the program files 88 rather than within the program summary panel 108. The focus frame 102 can also be used to scroll the program grid 80 to reveal new program schedule information. The interactive station controller 18 also scrolls the time panel 82 when a new column is revealed and the channel panels 84 when a new row is revealed so that the time panel 82 and channel panels 84 correspond to the information displayed in the program grid 80. Likewise, when a user moves the focus frame 102 to a date that is no longer the current

date, the interactive station controller 18 changes the display date panel 104 to correspond with the displayed information.” which read on Lawler; see col. 10, lines 17-67.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

Art Unit: 2173

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

09/27/05